

HAMPTON, PHOEBUS AND OLD POINT.

J. W. CUNNINGHAM IS EXONERATED

Mayor Jones Dismisses Charges Preferred By Physical Director King.

WITNESSES TESTIFY THE POLICEMAN WAS SOBER

Mayor Says Technically the Officer May be Guilty of Breach of the Peace, But Will Look Further in the Law Before Passing on the "Technicality."

After an investigation lasting three hours last night Police Officer John West Cunningham was exonerated of the charges of being drunk, disorderly and using profane language, which were made against the officer by Physical Director E. G. King, of the Newport News Young Men's Christian Association.

Mayor Thornton F. Jones, who heard the charges, rendered an opinion, in which he said that the evidence brought out at the hearing was sufficient to exonerate Mr. Cunningham of every charge against him by Mr. King, and the mayor added that he was going to dismiss every allegation contained in the charges. "From a technical view," said the mayor, "Mr. Cunningham may be guilty of a breach of the peace, but as to this I am not going to give a decision until later. I am convinced that the charges of drunkenness and using profanity are disproven by all the evidence, but will later decide as to the technical view of Mr. Cunningham's attitude as to a breach of the peace."

Many Witnesses Testify.

Mayor Jones first started the investigation on Monday of last week, but at the suggestion of Mr. King, who desired to have witnesses who ent, he adjourned the hearing over until last night. The witnesses who testified last night strengthened Mr. Cunningham's case insofar as the charges of drunkenness and using profanity go. The only evidence of an incriminating nature was given by Mr. King, who testified that Mr. Cunningham used profane language and that he, (King), smelled whiskey on the officer's breath.

Against this testimony there were thirty or forty other witnesses, all of whom testified that they did not believe Mr. Cunningham was drinking and that he certainly was not drunk. Most of the witnesses said the officer was not disorderly. Mr. Cunningham admitted that he did call Mr. King "a thief and robber," and that he invited him out to fight. This admission on the part of the officer is the breach of the peace, of which the mayor said last night that "technically" he may look into.

In rendering the decision Mayor Jones said that usually when men were offended by any one they took the proper way of resenting the insults, but he said in this case that Mr. King did not do that and instead he endeavored to get back at the officer through an article in a newspaper.

Collier Criticizes King.

Mr. King, who was present at the hearing, heard one of the most severe arraignments of himself from

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Steiner & Kaufman

Mr. Fay S. Collier, who appeared with Mr. B. A. Lewis, as the attorney for Cunningham, Mr. Collier's references to Mr. King were bitter and sharp and he criticized Mr. King in no uncertain terms for the "slanders" he made against the people of Hampton in the newspaper article which brought about the investigation. Mr. Collier hooted at the idea of Mr. King ever desiring to fight Mr. Cunningham. Several times in his discussion Mr. Collier was requested to refrain from the references to Mr. King by the mayor.

Mr. B. A. Lewis also referred with ridicule to Mr. King's attitude in publishing the interview and he declared that Mr. Cunningham was not on duty, and was merely at the game as a spectator and not as a police officer. He said the dispute between King and Cunningham occurred during the interim between the first and second halves.

Asks for Punishment.

City Attorney Tallafiero, who was asked to conduct the case against Officer Cunningham by Mayor Jones, made a strong plea to the mayor to reprimand Mr. Cunningham for using the language he did to Mr. King. "The evidence here clearly exonerates the officer from the charges of drunkenness and using profanity," said Mr. Tallafiero, "but the testimony of Mr. Cunningham alone is sufficient to convict him of a breach of the peace." "Mr. Cunningham," continued Mr. Tallafiero, "is a member of the Hampton police force and I think his conduct in calling Mr. King a thief and robber should be enough for your honor to impose some punishment on him. The reputation of the Hampton police force is to be sustained. I admit frankly that your honor cannot find the officer guilty of the charges of drunkenness, disorderly and profanity, for the evidence will not admit of that, but I submit that he is punished for not conserving the peace."

Mr. Lewis and Mr. Collier both declared that the conduct of the officer was not a breach of the peace that when a man attends a baseball, football or basketball game he sometimes says things he should not say, but they declared that in Mr. Cunningham's case his remarks were probably not out of place.

Several times during the arguments of Mr. Lewis and Mr. Collier, Mayor Jones informed the attorneys that the interview of Mr. King in the Daily Press had nothing to do with the case before him, but that he was investigating the charges of drunkenness and using profanity against the officer.

Article False.

"That article," said Mr. Lewis, "was not only scurrilous and maligned the good people of Hampton, but it was absolutely false as the evidence has been proven to your honor," and added, "the charges against the officer grew out of Mr. King's false attack upon Mr. Cunningham in the newspaper."

Quite a number of witnesses testified last night, but all were unwilling to say that Officer Cunningham was even drinking, while none thought him drunk. One of the Newport News players said that the play, which Mr. King termed a "drizzle," and which brought about the dispute between King and Cunningham, was not a "drizzle," while Mr. Montalano, who was the referee at the game, said that the decision was given by Mr. King and not by himself as had been testified. Mr. Montalano said Mr. King protested and that as Mr. King was the officer in charge of the game he, (Montalano), had nothing else to do. All of the players from the Newport News quitted said that while the audience did some "rooting" that there was no roughness and none seemed to think that the crowd present was "ungentlemanly and unsportsmanlike."

The council chamber, in which the hearing took place was crowded to the doors and there were a number of people present from Newport News.

BOWLING INTEREST AT Y. M. C. A. INCREASING

Tournament Begins at Fort Thursday Night—Fast Basketball Contests Tonight—Last Week's Scores.

Thursday night the first of the series in the bowling tournament between Hampton and Fort Monroe will be bowled on the alley in the fort association. The interest among the bowlers is already becoming lively.

The team, which will represent Hampton, will be composed of Capt. Martin and Messrs. Roland D. Cook, A. E. Hall, Lockie Collier, W. P. Cunningham and C. E. Cheyne.

Tonight the first of the series of the basketball tournament between the association quintets will take place in the local gymnasium. There will be two games and some fast basketball is expected.

Friday night Hampton will go to Fort Monroe for a game in the Peninsula championship basketball series. The bowling score for last week follows:

	Games	Percent
Cheyne	15	185
Martin	7	155
Hall	20	137
Sheehan	20	144
Collier	23	138
Cook	11	143
Hudgins	10	143
Wilson, T. H.	4	114
Cunningham, W. P.	4	159
Hefelfinger	8	113
Flanders	12	121

WANT ALL VETERANS.

Daughters Issue General Invitation to "Rebs" to Attend Banquet.

Mrs. Fannie Lee Booker, secretary of the committee on arrangements for the reception and banquet, which the Daughters of the Confederacy will tender the Confederate veterans of Hampton, Phoebus and Elizabeth City county at the Y. M. C. A. tomorrow evening, yesterday sent the following to the Daily Press:

"If the name of any Confederate veteran in the county has been omitted in the invitations sent out it has been unintentional. The Old Dominion Dragons Chapter and Hampton Chapter, United Daughters of the Confederacy, cordially invite every Confederate veteran in Elizabeth City county to be present at a banquet given to the veterans on January 19, (General Lee's birthday), at Y. M. C. A., at six o'clock.

"FRANCES LEE BOOKER, Secretary."

WELL KNOWN IN HAMPTON.

C. G. Smithers, Newly Appointed Marshal, Much Liked Here.

Considerable interest was aroused locally yesterday by the announcement that Mr. C. G. Smithers, collector of the port at Cherryton, had been named United States marshal to succeed Mr. Morgan Treat, who has held the office for several years.

Mr. Smithers is well known in Hampton and at Old Point and is known as a prince of good fellows. He is especially fitted for the duties of his new office and the appointment is regarded with considerable favor by the local Republican contingent.

For the past three weeks the close friends here of Mr. Smithers have felt confident of his appointment.

Mr. Smithers is about 45 years old.

Condition Unchanged.

The condition of Dexter Campbell, the youth who was shot accidentally by Edward Lankford Saturday at noon, remained unchanged yesterday. There is little hope for the recovery of the boy.

Defective Fuse Causes Blaze.

Fire originating from a defective fuse, did about \$150 worth of damage to the home of Mr. Segar Whiting, on the southwest side of the Hampton bridge, about 9:30 o'clock yesterday morning. The Hampton department responded to an alarm and the firement extinguished the blaze by the use of chemicals.

Death of an Infant.

Steven Johnson, the 16-months-old son of Mr. and Mrs. Thomas Johnson, died yesterday evening at 6 o'clock at the home of the parents in Newport News avenue. The funeral will take place from the home tomorrow afternoon.

Master John Foster Ill.

Master John Foster, the ten-year-old son of Mr. and Mrs. Harvey Foster, of Buckroe Beach, was operated upon for appendicitis at the Dixie hospital yesterday afternoon by Doctors Vanderalice and Howe. Master Foster was taken ill yesterday morning and his condition is serious.

SOCIAL-PERSONAL.

Mr. E. T. Bell, who has been quite sick at his home on Kioniyke avenue, Phoebus, for the past two weeks, is slowly improving.

Mrs. J. B. McCulloch, of Ginter, Pa., is visiting Mr. and Mrs. Arthur Dobbin, in Hufley street.

Messrs. Charles S. Kaufman and David Winteritz left last evening for a visit to Washington and Baltimore.

No peace, apparently, between the Can Non and the Insur Gent Tongue—New York Mail.

CARDINAL GIBBONS SAYS TARIFF IS CAUSE

Believes High Tax is Largely Responsible for Exorbitant Cost of Living.

(By Associated Press.)

BALTIMORE, Md., Jan. 17.—In discussing the increased price of food stuffs tonight Cardinal Gibbons said: "I am persuaded and inclined to believe that our high tariff has a great deal to do with the exorbitant cost of things necessary for household and life. Take, as an illustration, first, the cost of sugar. That article is a product of Louisiana, Porto Rico and the Philippine Islands. England does not produce sugar, but yet the price of sugar in Great Britain is as low as if not lower than in the United States. "Second, take the case of tin, a necessary cover for canned fruit and vegetables. The high tariff on tin excludes the foreign articles from Wales, and the consumers are obliged to use the domestic, which inures to the exclusive benefit of the domestic manufacturer. The government receives no benefit from this protection nor do the packers themselves.

"The advantage is conferred solely upon the domestic manufacturer of tin."

The cardinal added that something must be done at once to improve economic conditions in this country.

Lonnie Hayes Under Arrest.

Lonnie Hayes, a young white man, who was recently given a conditional pardon of a three months term in the county jail, was arrested yesterday by Officer Henry Curtis on the charge of disorderly conduct. He will have to now serve the sentence against him.

PNEUMONIA

Kills its tens of thousands. GOWAN'S PREPARATION kills pneumonia by destroying the congestion and inflammation. Quick relief for colds, croup, coughs, croup, croup and soreness in lungs and throat. External and harmless. All druggists. \$1.00, 50c, 25c.

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Nice White Mackerel, 5c each.
Lake White Fish, 5c pound.

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Will Serve Supper.
The ladies of Central Methodist church will hold a "Tacky Party" in the lecture room of the church Tuesday evening, January 18. Supper will be served from 6 to 9 o'clock. Admission 10 and 15 cents, which also includes refreshments with each ticket.

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Pictures

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Black Walnuts, 5c qt.

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Tangerines, 25c doz.
Fancy Malaga Grapes, 15c lb.
Grape Fruit, 5c each.

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